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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,642	12/18/2001	Bradley John Meyer	15791-US	9203

7590 05/07/2003

Kevin J. Moriarty  
Patent Department  
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One John Deere Place  
Moline, IL 61265-8098

EXAMINER
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MAMMEN, NATHAN SCOTT

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/021,642

Applicant(s)

MEYER ET AL.

Examiner

Nathan S Mammen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 February 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Semeato planter family model Par 5000/6000/7000 Trans, disclosed in the Semeadora brochure cited by applicant and further disclosed in the web images cited by the examiner, in view of Applequist (U.S. Patent 4,214,637), cited in previous office action.

The Semeato 5000/6000/7000 planter family is a seeding machine comprising a main frame, a hopper for holding seeds (the main elongated hopper), front and rear ranks of planting units, and pivot arms that are pivotally mounted to the main frame and having working, non-working (i.e., intermediate), and transport configurations (see generally the brochure page entitled "Especificacoes Tecnicas"). The planting unit includes an auxiliary hopper (i.e., the white hoppers) and a furrow opener (see the web image entitled "Linha Pantografica para Semente", specifically the upper left image showing the full planting unit). Although the Semeato brochure and web images do not explicitly show a flexible tube extending between the hopper and planting units, a flexible tube inherently must extend from the main hopper to the auxiliary hoppers (see the web image entitled "Linha Pantografica para Semente", specifically the upper right image which indicates an aperture in the auxiliary hopper for receiving a tube. What the Semeato 5000/6000/7000 planter family does not disclose is that the seeding machine has a main

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frame and left and right wing frames. Instead, the Semeato 5000/6000/7000 planter is a smaller, one-framed planter. The Applequist '637 patent teaches that it is known in the art to provide a seeding machine with a main frame (generally 22) and left (26) and right (24) wing frames. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the Semeato 5000/6000/7000 planter with the main frame and left and right wing frames as taught by the Applequist '637 patent, in order to provide a greater working width capacity for the Semeato 5000/6000/7000 planter. With the folding arrangement of the Applequist '637 patent, the working capacity of the Semeato 5000/6000/7000 planter could effectively be doubled or tripled. When the Semeato 5000/6000/7000 planter is moved to a transport configuration, the pivot arms are moved to their transport position and the planting units are pivoted vertically. Thus, when the Semeato 5000/6000/7000 planter is combined with the teachings of the Applequist '637 patent, the planting units and pivot arms would be moved to their vertical transport configuration as the wing frames are moved to their transport configuration.

Regarding claim 5: The Semeato 5000/6000/7000 planter discloses that the front and rear ranks are mounted to the frame by parallel linkages such that they can move independently of one another.

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Semeato planter family model Par 5000/6000/7000 Trans, disclosed in the Semeadora brochure cited by applicant and further disclosed in the web images cited by the examiner, in view of Applequist (U.S. Patent 4,214,637) as applied to claim 3 above, and further in view of Hornung et al. (U.S. Patent 5,398,771), cited in previous office action.

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As stated in paragraph 2 above, the Semeato planter in view of the teaching of the Applequist '637 patent discloses the claimed invention. What the combination does not disclose is that the pivot arms are mounted to the seeding machine by a rock shaft and actuated by a bell crank and a hydraulic cylinder. The Hornung '771 patent teaches that it is known in the art to mount pivot arms to a seeding machine through a rock shaft (90) that is actuated by a hydraulic cylinder (100) operating on a bell crank (104). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the seeding machine of the combination of the Semeato planter and the Applequist '637 patent with the rock shaft, bell crank and cylinder of the Hornung '771 patent, in order to provide an effective means for raising the planting ranks.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

As stated above, the Semeato 5000/6000/7000 planter discloses a planting unit having a hopper and a row opener.

The double patenting rejection is withdrawn in view of Applicant's amendment to claim 1. Applicant's copending application Serial No. 10/021,643 does not claim a main hopper and an auxiliary hopper on the planting unit.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

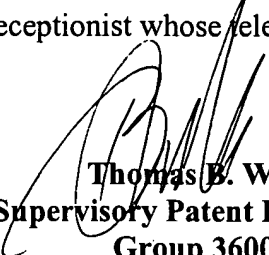
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mammen whose telephone number is (703) 306-5959. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at (703) 308-3870. The fax number for this Group is (703) 305-3579.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-1113.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group 3600**

**NSM**  
**4/28/03**

**Nathan S. Mammen**